IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 13414 of 2004

Between:

Smt.K.Vijayamma, W/o.Narappa Reddy,
R/o.O.D.Chervu Mandalam, Mamillakuntlapalli Village,
Kadiri Taluq, Anantapur Dist.

..... PETITIONER

AND

The Revenue Divisional officer, Penukonda Division, Anantapur Dist.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to pass a writ, order or direction more in the nature of writ of mandamus declaring the inaction of the respondent proceedings RC.No.1373/2001 dt.28-7-2001 in not appointing the petitioner as permanent Fair price shop dealer of the Mamillakuntlapalli village, O.D.Chervu Mandalam, Kadiri Taluk, Anantapur District.

Counsel for the Petitioner: MR.B.VENKATADRI

Counsel for the Respondent: GP FOR CIVIL SUPPLIES

The Court made the following :

THE HONOURABLE MS.JUSTICE G.ROHINI

WRIT PETITION NO.13414 OF 2004

ORDER:

Petitioner claims to be appointed as temporary dealer on 28.7.2001 in respect of fair price shop of Mamillakuntlapalli village of O.D.cheruvu Mandal. Now this writ petition has been filed alleging that the respondent-Revenue Divisional Officer, Penukonda division has removed the petitioner from the temporary dealership and appointed another person as temporary dealer in her place. It is also stated that though she made an application requesting the respondent to consider her case for appointment as permanent dealer, the same has not been considered and that the respondent has arbitrarily removed her. Hence, this writ petition seeking a declaration that the in action of the respondent in appointing her as permanent fair price shop dealer as illegal and arbitrary.

Heard the learned counsel for the petitioner as well as the learned Government Pleader appearing for the respondents.

The affidavit filed in support of the writ petition is extremely vague and it does not

contain even the particulars of the alleged removal of the petitioner as temporary dealer and no document whatsoever has been filed in support of the averments in the writ petition. That apart the law is well settled that a temporary dealer cannot claim any right for appointment as dealer of fair price shop on permanent basis. Hence, the writ petition is without any substance and the relief as prayed for cannot be granted. It is made clear that whenever the vacancy is notified, it is open to the petitioner to apply for the same and to participate in the selection process.

The writ petition is accordingly dismissed. No costs.

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(G.ROHINI,J)

Date: 28.9.2004.

Mdaa.

Copy to:

1. The Revenue Divisional officer, Penukonda Division, Anantapur Dist.

2. Two C.Cs to G.P.for Civil Supplies, High Court of A.P., Hyderabad(OUT).

3. Two C.D.copies.